

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 435

Introduced by Assembly Member De La Torre

February 24, 2009

An act to ~~amend Section 1001 of~~ *add Section 327.1 to* the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 435, as amended, De La Torre. Public utilities: ~~certificates of convenience and necessity; transmission facilities; environmental review.~~

Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process.

This bill would require the commission to study the efficacy of conducting concurrent environmental review of proposed transmission facilities by federal and state agencies.

~~Existing law prohibits a railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, water corporation, or sewer corporation from beginning construction of a street railroad or a line, plant, or system or extension of a line, plant, or system without having obtained from the Public Utilities Commission a certificate that the present or future public convenience and necessity require or will require the construction.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 327.1 is added to the Public Utilities
2 Code, to read:

3 327.1. The commission shall study the efficacy of conducting
4 concurrent environmental reviews of proposed transmission
5 facilities by federal and state agencies.

6 SECTION 1. ~~Section 1001 of the Public Utilities Code is~~
7 ~~amended to read:~~

8 ~~1001. (a) A railroad corporation whose railroad is operated~~
9 ~~primarily by electric energy, street railroad corporation, gas~~
10 ~~corporation, electrical corporation, telegraph corporation, telephone~~
11 ~~corporation, water corporation, or sewer system corporation shall~~
12 ~~not begin the construction of a street railroad, or of a line, plant,~~
13 ~~or system, or of any extension thereof, without having first obtained~~
14 ~~from the commission a certificate that the present or future public~~
15 ~~convenience and necessity require or will require the construction.~~

16 ~~(b) This article does not require a corporation of the kind listed~~
17 ~~in subdivision (a) to secure the certificate for an extension within~~
18 ~~any city or city and county within which it has theretofore lawfully~~
19 ~~commenced operations, or for an extension into territory either~~
20 ~~within or without a city or city and county contiguous to its street~~
21 ~~railroad, or line, plant, or system, and not theretofore served by a~~
22 ~~public utility of like character, or for an extension within or to~~
23 ~~territory already served by it, necessary in the ordinary course of~~
24 ~~its business. If any public utility, in constructing or extending its~~
25 ~~line, plant, or system, interferes or is about to interfere with the~~
26 ~~operation of the line, plant, or system of any other public utility~~
27 ~~or of the water system of a public agency, already constructed, the~~
28 ~~commission, on complaint of the public utility or public agency~~
29 ~~claiming to be injuriously affected, may, after hearing, make an~~
30 ~~order and prescribe the terms and conditions for the location of~~
31 ~~the lines, plants, or systems affected that to it may seem just and~~
32 ~~reasonable.~~